

### REMARKS/ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

#### Finality of Office Action

The Applicant hereby requests that finality be removed from the current office action. The previous response of December 22, 2003, was filed with a request for continued examination (RCE).

The action immediately subsequent to the filing of an RCE with a submission and fee under 37 CFR 1.114 may be made final only if the conditions set forth in MPEP § 706.07(b) for making a first action final in a continuing application are met. [MPEP § 706.07(h)]

Since the Applicant amended the claims in the previous response, final rejection on the first action is improper. As a result, Applicant requests that the Examiner remove finality of the current office action.

#### 35 U.S.C. § 103(a) Rejections

Examiner rejected claims 1, 3-8, 10-12, 14-16, and 18-20 under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent No. 6,160,796 (hereinafter "Zou") in view of U.S. Patent No 5,566,337 (hereinafter "Szymanski").

Claim 1, as amended, includes a limitation of removing the request from the list in response to the client terminating the request, and wherein a first cycle comprising the client making the request, the adding, and the removing and a second cycle comprising the detecting and the notifying proceed independently of each other. Neither Zou nor Szymanski teach such a limitation, and as a result, claim 1 is patentable over Zou and Szymanski. The Examiner admits that

Zou does not teach the limitation, and therefore the Applicant's remarks will focus on Szymanski.

The system taught by Szymanski includes event distributors that collect events generated by event producers, which distribute the events to broadcast consumers when the consumers request them (Col. 10, lines 8-13). As a result, part of notifying the consumers is queuing the events in the event distributor. As taught by Szymanski, when an event is unsubscribed, any event instances that have been collected for distribution to a consumer are discarded (Col. 13, lines 5-9). In response to unsubscribing from an event, the event distributor removes the collected events from its queue, thereby interrupting the notification process. Therefore, the notification process and unsubscribing process taught by Szymanski are not independent.

The event producers taught by Szymanski detect when an event occurs, and forward those events to the event distributors (Col. 9, line 62 – Col. 10, line 4). Since the event distributor will no longer collect events after response to an unsubscribe request, the detection process is also interrupted in response to the unsubscription. Since the notification process is affected by the unsubscription of an event, Szymanski does not teach wherein a first cycle comprising the client making the request, the adding, and *the removing* and a second cycle comprising *the detecting* and *the notifying* proceed independently of each other, as in claim 1.

Independent claims 8, 12, and 16 include limitations similar to those discussed above regarding claim 1. Since claim 1 is patentable over Zou and Szymanski, claims 8, 12, and 16 are also patentable over Zou and Szymanski. Dependent claims 5-7, 11, 15, 17, and 20 depend from the above discussed independent claims. Since the independent claims are patentable over Zou and Szymanski, the dependent claims are also patentable over Zou and Szymanski.

Examiner rejected claims 21 and 24-26 under 35 U.S.C. § 103(a) as being unpatentable by Zou in view of Szymanski, as applied to claims 1, 3-8, 10-12, 14-16, and 18-20 above, and in further in view of what was well known in the art, as exemplified by U.S. Patent No 6,567,875 (hereinafter "Williams").

Claim 21 includes limitations similar to those in claim 1. Since claim 1 is patentable over Zou, and Szymanski, claim 21 is patentable over Zou, Szymanski, and Williams. Claims 24-26 depend from claim 21, and therefore include all the limitations of claim 21. Since claim 21 is patentable over Zou, Szymanski, and Williams, claims 24-26 are also patentable over Zou, Szymanski, and Williams.

Examiner rejected claims 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable by Zou in view of Szymanski, and what was well known in the art, as exemplified by Williams, as applied to claims 21 and 24-26 above, and further in view of U.S. Patent No 6,311,242 (hereinafter "Falkenburg").

Claims 22 and 23 depend from claim 21, and therefore include all the limitations of claim 21. Since claim 21 is patentable over Zou, Szymanski, and Williams, claims 22 and 23 are patentable over Zou, Szymanski, Williams, and Falkenburg.



CONCLUSION

Applicant respectfully submits the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Arlen M. Hartounian at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: \_\_\_\_\_

4/22/04

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